

Juveniles and I know some people say that if somebody, no matter how young, does this, there ought to be a punishment that would attach to them. I disagree with that. So no matter how young, this act could come into play. In the second paragraph on page 1463 you will find these words. "You also ask whether or not this section, as written, would create a crime regardless of whether or not there was actual delivery or sale of this form of identification. We would be of the opinion that a violation of this section would occur at the time any person manufactured, created or altered any form of identification that the elements of the crime would exist in the absence of actual sale or delivery of the document." So if the creation of the document is for the purpose of substantiating the age of the minor and the minor would intend to use it to purchase alcohol there need not be any delivery of this document to any minor. The document need not be sold to any minor. As soon as somebody manufactures or alters something that could be used as identification, the crime, the elements of the crime are present. And again, the Attorney General said that is not unconstitutional but it is very broad. And there is another thing. Regardless of whether or not the information contained on that document is accurate. In other words, a violation of this section would not depend upon the document containing false information. So the document could reflect the actual age of the minor and the minor could go in with a document reflecting his or her age accurately but, nevertheless, a crime has been committed because somebody manufactured it for the purpose of this person using it to obtain alcoholic beverages. The last paragraph on page 1463 starts with these words. "While it occurs to us that this prohibition could have been more carefully drafted, we do not believe that its prohibitions would be violative of due process standards as being too broad or too vague." After you get past the issue of constitutionality there is a very important question for the Legislature that relates to policy. Is it good policy to enact a bill like this which the Attorney General acknowledges is not drafted as well as it could have been, that it is extremely broad, that it makes a crime out of the production of a piece of paper that could be used for identification even if the information on the piece of paper is accurate, even if there is nothing false in it? For producing a document which states the truth, a crime can be committed. I'm not in favor of a policy like that. The Legislature may be but, nevertheless, there is on record in the Journal an explanation by the Attorney General's office of how broad this bill is, what it does, the extremely young people who can be brought under its provisions and if that is what the Legislature wants to do, clearly it will do so. But I wanted to do everything I could to put into the record, and the Journal is the official record of the Legislature's proceedings,